

Gov. Johanns Signs Water Policy Reform Bill

(Lincoln, NE) Gov. Mike Johanns signed LB 962 into law today which contains the policy changes to Nebraska water law that were recommended by a 49-member Water Policy Task Force.

"This new policy promotes wise stewardship of a vital and finite natural resource," Gov. Johanns said. "I commend Senators Ed Schrock and Elaine Stuhr, both of whom served on the task force, the Natural Resources Committee of the Legislature and all of the task force members for their commitment. Some said consensus would never be achieved within a group as diverse as this task force. But, the membership recognized a need to balance consumption with conservation and they worked until unprecedented compromise was reached."

The Water Policy Task Force was created by LB 1003 and its membership was appointed by Gov. Johanns in 2002. After intense deliberation, members reached consensus in December 2003 and their recommendations were encompassed into LB 962.

Under the bill, the Department of Natural Resources (DNR) will be required to determine, on an annual basis, which basins, sub-basins or river reaches are fully appropriated. If a basin is declared over appropriated or fully appropriated, the DNR and the Natural Resource Districts (NRD) involved will be required to jointly develop and implement an integrated surface water and groundwater management plan.

The bill also adds flexibility to current Nebraska statutes governing the transfer of surface water rights to a different location of use and it updates statutes relating to the cancellation of water rights that are no longer being used.

LB 962 includes \$2.5 million in funding, allocated to the Department of Natural Resources, to implement the new water policy. The Water Policy Task Force will continue to meet to provide guidance on water policy matters through 2009.

Roger Patterson, co-chair of the task force and director of the Nebraska Department of Natural Resources, said, "The task force members set their differences aside to work together and every citizen of this state is a beneficiary. This bill will make our state and its 23 natural resources districts much more proactive in anticipating and preventing conflicts between ground water users and surface water users. In areas of the state where such conflicts already exist, the legislation also establishes principles and timelines for resolving those conflicts."

The task force membership included irrigators from each of the state's 13 major river basins as well as representatives of natural resources districts, public power districts, municipalities, agricultural organizations, environmental interests, recreation users and the public at large.